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## **FAX COVER SHEET**

To: USPTO	Date: 06   16   06
Art Unit 3636 Fext. Winnie S. Yip	
From: Wemer H. Schrocder Patent Agent Reg. No. 36,387	•
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Response to a Final Reje	chon
Denn H. Solverden	
Signature	

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PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Panerwork Reduction Act of 1995, no occurre are required to respond to a collection of information unless it displays a valid OMB control number Application Number 10/812-046 TRANSMITTAL Filing Date 07/07/2003 First Named Inventor **FORM** Kevin T. Connelly Art Unit Examiner Name Winnie S. Yip (to be used for all correspondence after initial filing) Attorney Docket Number Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers Fee Attached of Appeals and Interferences Appeal Communication to TC 1 Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition to Convert to a After Final Proprietary Information Provisional Application Power of Altomay, Revocation Affidavits/declaration(s) Status Letter Change of Correspondence Address Other Enclosure(s) (please Identify Terminal Disclaimer **Extension of Time Request** Request for Refund Express Abandonment Request Information Disclosure Statement CD, Number of CD(s) Landscape Table on CD Certified Copy of Priority Remarks Document(s) Reply to a final office action Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Signature to breeze fr Printed name Werner H. Schroeder Date Reg. No. 06/16/2006 38.387 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being factamile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Signature Date Typed or printed name Warner H. Schroeder 06/16/2006

This objection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the included case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patenta, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Response to a Final Office Action

Application No. 10/613,946

This communication is a response to a Final Office Action rejection having a mailing date of 06/08/2006 and setting forth a shortened statutory period for response of three months which would expire on 09/08/2006.

## REMARKS

The applicant has studied the examiner's action carefully with the following results:

Claims 1 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson in view of Bilotti and in view of Kupferman.

The examiner states that "Johnson teaches a shade and rain umbrella combination having a shaft (14) and ribs (18) pivotally mounted on a top of the shaft. A shade cover (20) is placed over and supported by the ribs. An analysis of Johnson indicates that the basic concept of Johnson is a windproof umbrella wherein the construction of the disclosed umbrella is entirely different from the claimed construction of applicant's umbrella that protects a person from the UV rays of the sun and affords ventilation through the fabric at the same time in one mode and protects a person from rain through the use of a separate water proof rain cover placed over the shade cover in a second mode. The examiner agrees that Johnson does not disclose or define a shade cover made of a fabric mesh material for protection against ultraviolet rays of the sun as claimed. The examiner now looks to Kupferman to find a teaching of using a shade cover to substitute for the shade cover of Johnson. It is pointed out that Kupferman does not disclose a two mode use of the umbrella and that is to shade against UV rays and shade a person and then a second mode to protect against rain through the use of a separate water proof cover placed over the shade